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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/036,645

03/06/98

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1225/00675.U

DARBY AND DARBY
805 THIRD AVENUE
NEW YORK NY 10022

HM12/1012

EXAMINER

ARTHUR, L

ART UNIT

PAPER NUMBER

1655

DATE MAILED:

10/12/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/036,645

Applicant(s)

Berd

Examiner

Lisa Athur

Group Art Unit

1655



☒ Responsive to communication(s) filed on Jul 28, 1999

☐ This action is **FINAL**.

☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire two month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3, 5, 7-9, 13, 15-17, and 19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-3, 5, 7-9, 13, 16, 17, and 19 is/are allowed.

☐ Claim(s) _____ is/are rejected.

☒ Claim(s) 15 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 1655

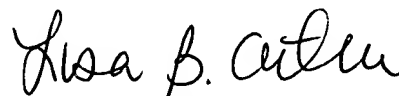
This action is in response to the amendment filed July 28, 1999 in which claims 4,6,10,12,14,18 and 20 have been canceled and claim 19 was amended. In the previous action, the examiner erroneously indicated that claim 15 was allowable. Claim 15 should have been objected to as depending from a rejected claim. Claim 15 is now objected to because it depends from canceled claim 14. However, this objection can be easily overcome by amending claim 15 to dependent from claim 13 instead of claim 14. The arguments directed to the rejection of claims 8, 16, 9 and 17 made under 35 U.S.C. 112, first paragraph, for introduction of new matter and for lack of enablement are convincing and the rejections of these claims are withdrawn.

Since the original patent, or an affidavit or declaration as to the loss or inaccessibility of the original patent has not been received, this reissue application can not be allowed even though only formal matters remain in this application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Arthur whose telephone number is (703) 308-3988. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 1:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones, can be reached on (703) 308-1152. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.


LISA B. ARTHUR
PRIMARY EXAMINER
GROUP 1800 1600

October 7, 1999